

JAMES ISLAND RECREATION COMPLEX

Regular Meeting

March 28, 2017

The thirtieth meeting of the City Council of Charleston was held this date convening at 5:00 p.m. at the James Island Recreation Complex.

A notice of this meeting and an agenda were mailed to the news media March 22, 2017 and appeared in The Post and Courier March 26, 2017 and are made available on the City's website.

PRESENT (12)

The Honorable John J. Tecklenburg, Mayor

Councilmember White	District 1	Councilmember Waring	District 7
Councilmember Williams	District 2	Councilmember Seekings	District 8
Councilmember Lewis	District 3	Councilmember Shahid	District 9
Councilmember Mitchell	District 4	Councilmember Riegel (<i>absent</i>)	District 10
Councilmember Wagner	District 5	Councilmember Moody	District 11
Councilmember Gregorie	District 6	Councilmember Wilson	District 12

Mayor Tecklenburg called the meeting to order at 5:00 p.m.

The Clerk called the roll.

Mayor Tecklenburg said, "Next I would like to ask, and please join us if you would like, Councilmember Moody will lead us in an invocation and Pledge of Allegiance."

Councilmember Moody said, "Can I ask you to stand? Before we do the Pledge of Allegiance, we're going to have a little different format here tonight, and I would like for you to recite the Pledge of Allegiance the way that it's written. What most people don't understand is there's not a comma between 'one nation' and, everybody stops, 'one nation' and, they stop and say 'under God'. The correct way to do the Pledge is 'one nation under God'. So, we're going to do that tonight when we get to the Pledge, but, in the meantime, would you bow with me as we pray."

Councilmember Moody opened the meeting with an invocation.

Councilmember Moody then led City Council in the Pledge of Allegiance.

Mayor Tecklenburg said, "Thank you very much. It's great to see so many folks here. Welcome to your City of Charleston Council meeting. We have a couple of announcements. It is within my standing authority, Jason, I do hereby authorize you to buy another microphone, so that when we go on the road, we have more than my one microphone. So, we'll have to pass it

around this evening. We're so glad to be on James Island, and Councilmember Wilson, this is your home turf. We're so glad for you to host us. We're glad Frances Cantwell was able to find it. Next, I do want to mention that in the unlikely event that we should have to exit the building, there are numerous exits here. You can see them, the two behind me, one over on this side, and, of course, the door that everyone came in, just in case we needed to all vacate the building. Next, I would like to call on Rabbi Adam Rosenbaum, and any members of the Synagogue Emanu-El, or anyone in general that would like to join him, and come forward. We have a proclamation this evening regarding the Holocaust Remembrance. Please come behind the podium here, if you would."

Mayor Tecklenburg read the proclamation.

---INSERT PROCLAMATION---

Mayor Tecklenburg continued, "I would like to call on Rabbi Rosenbaum to share a few words with us."

Rabbi Adam Rosenbaum said, "Mayor Tecklenburg and distinguished Councilmembers, I'm pleased to be joined by Russell, Ellen and Irene, members of our Jewish Community, active members of our Jewish Community. We, of course, see ourselves not only as part of the Jewish Community, but a part of the Greater Charleston Community. We are so fortunate to be in a city like this, the Holy City, that indeed promotes tolerance and love of so many different faith traditions. The Councilmembers should be directed to see right in front of them candles that are yellow, and you have matches in front of you, as well. I would like to invite you, at this time, to light these candles. The candles are known as Yahrzeit or memorial candles, and when everyone is remembering the dead in the Jewish Community, one lights these candles on the anniversary of a death. The reason why these candles in remembrance of the Holocaust are yellow is that the Jews of Nazi Germany were forced by Hitler and by those who followed Hitler to wear yellow badges to identify themselves. They would be easier to spot and would be easier to persecute, and eventually punished to death. We are so lucky to live in Charleston. We are so lucky to live in the United States of America. We do know, however, that, even though it is 2017, that there is still hate in the world, there is still hatred for Jews around the world and even in the United States. We've had incidents in several cities of Jewish cemeteries being vandalized across America. We also note that injustice anywhere is injustice everywhere, and any kind of attempts to marginalize, to hate against any minority group, is a concern of the Jewish Community, as it should be for anyone. So, as we remember the victims of the Holocaust, as we remember and honor survivors, let us make sure to know that the lessons of the Holocaust are not simply limited to events that happened leading up to and during World War II. They are lessons that are just as relevant and just as important as ever. I hope that as many of you as possible will join the Charleston Jewish Community on Sunday, April 23rd at 3:00 p.m. We'll be gathering downtown, as we do every year, for our official Yom Hashoah Holocaust Remembrance Day Observance. Everyone is welcome. Please do keep that in mind, and I hope to see as many of you there as possible. We, once again, thank the City of Charleston and all its leaders for continuing to create a community of diversity and of tolerance. It is a gift that we will never forget. Thank you."

There was applause.

Mayor Tecklenburg said, "Thank you very much. We do have one more proclamation. I would like to ask Board Chair Sid Boone, and Louise Williams with the South Carolina Red Cross, Charleston Chapter, would you please come forward? Folks, the Red Cross does so

much in our community whenever there is a fire. I don't know if you all know this, but they come right to engage and to help families or folks that are dislocated by any fire, or any other emergency that occurs, and so, we want to thank the Red Cross, and I have a proclamation for them, as well, this evening."

Mayor Tecklenburg read the proclamation.

---INSERT PROCLAMATION---

Mayor Tecklenburg said, "Let's thank Louise and Sid and Angie for their fine work, and I'm going to call on Louise to share a few remarks with us."

Louise Williams said, "Thank you, Mayor. It's a special year for us at the American Red Cross in the Lowcountry. We're celebrating 100 years of service to the Lowcountry."

Mayor Tecklenburg said, "Wow!"

There was applause.

Ms. Williams continued, "Last year I gave you a Red Cross Pin as the new Mayor. This year I would like to present you with a Hurricane Matthew Survivor Pin. As we continue to work with the City to build a resilient City of Charleston, it takes all of us working together, whether it's giving blood or responding to a house fire, we've always been good partners. We appreciate the partnership and hope to have another 100 years working with the City of Charleston."

There was applause.

Mayor Tecklenburg said, "Let me give you the proclamation. So, you all remember Matthew was only a #1 storm by the time I got here, I saw in the paper, and I had seen this little article, and remembered it really did terrible damage down in the Caribbean. Hundreds of people were killed by that storm to the extent that they decided not to ever call another hurricane Matthew. We were blessed to be ready, but still the American Red Cross responded. We always will remember, when it was in Charleston, the terrific response we got after Hurricane Hugo, but they're there all the time, folks. So, thank you so much for your community spirit and help.

Next, I would like to just mention the loss of a few community members in our community over the last week who had ties to the City of Charleston. One was a very able attorney who has now passed really early in life, Richard Farrier, who also served on our BAR-Small Board. So, in addition to his fine work, he is a family man and an attorney. He served this community on the BAR. We also lost, in the last week, an incredible devoted community servant, Henry Williams, who was in the insurance business, and for over 30 years served on the Board of our Charleston Housing Authority, and served for many years as its Chair. He was passionate about helping people. He was passionate about affordable housing in our community. The brand-new, newest affordable housing facility that we're just opening this month, and we will have a dedication next month, is down next to Ansonborough Field, really on the corner of Ansonborough Field. It is for seniors and it's named 'The Henry Williams Senior Center'. We are saddened that Henry is not with us to be at that dedication next month. Thirdly, the death of a good friend of mine and many in our community, Charles 'Pug' Ravenel, he served on our Spoleto Board for years. He was really a founding, one of the early members and

movers and shakers on our Community Foundation that has done so much good in our community, and we've lost Mr. Ravenel, as well.

Next, we have public hearings, and again, pardon the fact that we've only got one microphone, so you will have to come forward, and I'll just pass you the microphone, and then pass it back to me when your remarks are finished. Please identify yourself and your address and where you live when you come forward to speak. Mr. Morgan, are you going to announce these?"

Christopher Morgan said, "Yes, sir."

Mayor Tecklenburg said, "Okay, the first one up is a right-of-way on Wharfside Street. I'll just announce it. I don't know if Public Service has heard anything. Anyway, we're abandoning a portion of the right-of-way of Wharfside Street. This is right down by the Maritime Center. It's not really a street, but it could be a street, so we're abandoning a portion of it. It's on the site where the International African American Museum is going to go. Frances, do I have that basically correct?"

Frances Cantwell said, "Yes, sir."

Mayor Tecklenburg said, "Okay. So, would anyone like to be heard on this matter?"

No one asked to speak.

Mayor Tecklenburg said, "The matter comes before City Council. We have a motion and a second to approve."

Councilmember Lewis said, "Move for approval."

Councilmember Gregorie said, "Second."

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "Just out of curiosity, what's on the other side? Who is getting the other half of the property from the African American Museum, or are they getting all of it?"

Mayor Tecklenburg said, "They're getting all of it."

Councilmember Moody said, "They're getting all of it. Okay, that's fine."

Mayor Tecklenburg said, "The African American Museum property surrounds this right-of-way so, on both sides, it will go to the Museum."

Ms. Cantwell said, "Just a minor correction, Mayor. The City actually owns either side of the right-of-way and so, when it's closed, that property will become the City's property. The African American Museum is going to lease the building, but the City will always own the land and the footprint of the land under the building. So, we're closing this street, but it's going to come to the City."

Mayor Tecklenburg said, "The land belongs to the City, as Ms. Cantwell was saying, and the Museum will lease the building from us. So, the abandonment comes back to the City. Are there any other questions or discussion?"

No one asked to speak.

On a motion of Councilmember Lewis, seconded by Councilmember Gregorie, City Council voted unanimously to approve the following item:

Request to close and abandon a portion of Wharfside Street that is described as heading generally in a northerly direction consisting of 0.0179 acres as shown on a plat entitled "PLAT SHOWING THE ABANDONMENT OF A PORTION OF R/W FOR WHARFSIDE STREET DEFINED BY A-B-C-D-E-A WITH ONE HALF OF THE WIDTH OF WHARFSIDE STREET BEING ADDED TO TMS NO. 459-00-00-243 AND ONE HALF OF THE WIDTH OF WHARFSIDE STREET BEING ADDED TO TMS NO. 459-00-00-241 LOCATED IN THE CITY OF CHARLESTON, CHARLESTON COUNTY, SOUTH CAROLINA"

Mayor Tecklenburg said, "Next, Mr. Morgan."

Mr. Morgan said, "This property is on Forrest Drive in Cainhoy (approximately 2.145 acres), TMS #271-00-02-150, to be rezoned from the Gathering Place (GP) to Diverse Residential (DR-9). This is a property that's near I-526 off of Forrest Drive. It is surrounded on the east side by a PUD, the maps are in your package, and the zoning that will be put in place with this rezoning will match most closely what is in that PUD. So, it's a residential PUD that's adjacent to it. Again, it will go from Gathering Place to DR-9, and staff and the Planning Commission recommend approval."

Mayor Tecklenburg said, "Would anyone like to be heard on this matter?"

No one asked to speak.

Councilmember Moody said, "Move for approval."

Councilmember Waring said, "Second."

Mayor Tecklenburg said, "The matter comes before Council. We have a motion to approve and a second. Are there any questions or discussion?"

On a motion of Councilmember Moody, seconded by Councilmember Waring, City Council voted unanimously to give first reading to the following bill:

An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that property on Forrest Drive (Cainhoy) (approximately 2.145 acres) (TMS #271-00-02-150) (Council District 1), be rezoned from Gathering Place (GP) classification to Diverse Residential (DR-9) classification. The property is owned by David Gibbs Family Partnership.

Mr. Morgan said, "The next public hearing is Item E-3 which is 26 F Street and adjacent lot. It's .12 of an acre, and the TMS numbers are 463-16-03-047 and 463-16-03-046 to be rezoned from (DR-1) Diverse Residential to Diverse Residential (DR-2F). This is just off of King

Street. The rezoning on the property would match the zoning on the property to the north, as well as the zoning on the properties all the way across the street. Both staff and the Planning Commission recommend approval.”

Mayor Tecklenburg said, “Thank you. Would anyone like to be heard on this matter? Yes, sir. Please come forward. Speak right into the microphone if you want to be heard.”

1. Mohammed Idris said, “I have a question first. Mohammed Idris. This land here on that street, is it about heightening the building?”

Mr. Morgan said, “It’s just the density on the property.”

Mr. Idris said, “Thank you.”

Mayor Tecklenburg said, “Thank you, sir. Would anyone else like to be heard on this matter?”

No one else asked to speak.

Councilmember Mitchell said, “Move for approval.”

Councilmember Lewis said, “Second.”

Mayor Tecklenburg said, “We have a motion to approve. Are there any questions or discussion?”

No one asked to speak.

On a motion of Councilmember Mitchell, seconded by Councilmember Lewis, City Council voted unanimously to give first reading to the following bill:

An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 26 F Street and adjacent vacant lot (Peninsula) (0.12 acre) (TMS #463-16-03-047 and 463-16-03-046) (Council District 4), be rezoned from Diverse Residential (DR-1) classification to Diverse Residential (DR-2F) classification. The property is owned by Arnold and Sara Mack.

Mayor Tecklenburg said, “Now, Items E-4 and E-5 refer to the property at 445 Meeting Street. I have come to understand that the property owners are going to come back to us with a different application than the one that was previously done. Since we advertised this matter for a public hearing, if anyone would like to speak on the 445 Meeting Street rezoning in general, you have that opportunity right now. The matter is deferred, as far as Council action, so we will be taking no action on that until they come back to us with a revised application.”

No one asked to speak.

The Clerk said, “So, they’re deferred.”

Mayor Tecklenburg said, “So, Item E-6.”

Mr. Morgan said, "Item E-6 is an ordinance to amend Chapter 54 of the Code of Charleston Zoning Ordinances to prohibit mini-warehouse and self-storage uses in the Urban Commercial Zone District and to change the mini-warehouse/self-storage uses from a conditional use to a special exception use in the General Business Zone. This is up for second reading. You all have copies of the ordinance in front of you but, essentially, it would give some additional hoops to mini-storage, particularly in the General Business Districts. It would also prohibit it in the Mixed-Use Districts, and it would also make sure that there would be at least 200 feet of distance from a mini storage facility in any Mixed-Use District or Residential District, and comply with all loading bays to be located in on the sides and not face the street. It will require first floor frontage of buildings within 50 feet of a street designed to accommodate retail office spaces to no less than 30 feet, and it would also have some requirements to offer some setbacks. This is all in response to some concerns from the community about the way these storage facilities have been built. Staff put these together and is endorsing them, as did the Planning Commission."

Mayor Tecklenburg said, "Thank you, Mr. Morgan. Would anyone like to be heard on this matter of changing the requirements for mini-warehouse/self-storage uses? Mr. Cooper."

1. Randy Cooper said he represents Grant Realty Company, owners of 575, 577, 579 Meeting Street, and 0 Walnut Street. He stated that, under the terms of the new Zoning Ordinance, his clients would be precluded from developing their property as a self-storage facility. He said that they endorse the efforts of the City, but would request that the City somehow grant assistance to allow a development that would be harmonious with the other properties in the neighborhood.

Councilmember Shahid said, "Mr. Mayor, can we ask some questions about this?"

Mayor Tecklenburg said, "Sure, absolutely. When we finish the public hearing, or do you want to ask Mr. Cooper?"

Councilmember Shahid said, "Well, it's directed to him."

Mayor Tecklenburg said, "Okay."

Councilmember Shahid said, "So, the property now is used for what?"

Mr. Cooper said, "The property, there's a large warehouse facility right here. This building has been used by the Historic Charleston Foundation as a warehousing facility, and then this building has been used as a wax candle manufacturing facility."

Councilmember Shahid said, "So, if we pass this ordinance, then what restrictions would you have on this property?"

Mr. Cooper said, "The real restriction is the 200-foot limitation that says that you cannot locate a self-storage facility on property that is located within 200 feet of property zoned under multiple designations, Mixed-Use-2, which is one of our sections that we file in. M2-WH is Mixed Use Workforce Housing, so the purpose of that ordinance is to encourage commercial development, as well as residential development. So, we think that the nature of our development would be consistent with the zoning and use of that property. One other point, the property immediately to our south is owned by Interfaith Crisis Ministry, and they are undergoing

a project. They hope to undergo a project called Project 180, I believe, and it would redevelop this area to permit a multi-family housing project about eight stories, I believe. Again, the purpose of your statute is to protect neighborhoods from housing with two-story houses from an oversized building. In this situation, we have our building which is going to be smaller than our neighbor's, as well as the new buildings that are just to the north of us that are apartment projects on Huger Street. So, our development is consistent with the current landscaping and the proposed developments in this area."

Councilmember Shahid said, "So, what are you asking us to do? You need some help, but what in particular?"

Mr. Cooper said, "We either need to ask the City Council to defer the vote on this. We know that's not your preference to defer, but we do ask for you to vote to defer this, so that we can show that the net is too broad, as far as the legislation is concerned; or, we would ask that you defer the enactment of the statute until, say July 1st, after a second or third reading."

Councilmember Seekings said, "Do you have an application in for the project currently, or a design project?"

Mr. Cooper said, "We have worked with the City. The buyer has submitted proposals to the City. We do not have a specific plan development submitted to the City. We have interacted with the City and City officials on numerous occasions to determine the scope and draft of the project."

Councilmember Seekings said, "Mr. Lindsey."

Mr. Lindsey said, "That is correct."

Councilmember Seekings said, "Alright, so where do they stand? Are they going to be subject to this ordinance, or are they vested?"

Mr. Lindsey said, "This project, by our determination, is not vested. There is no application pending with the City. There is no application, therefore, it's not vested. It would be subject to the ordinance."

Mayor Tecklenburg said, "Another way to do this would be for them to apply for a rezoning of Light Industrial for those parcels. Mr. Lindsey, is there any reason why that wouldn't be possible?"

Mr. Lindsey said, "They can apply for a rezoning, Mayor."

Mayor Tecklenburg recognized Councilmember Mitchell.

Councilmember Mitchell said, "Yes, Mr. Mayor, we had a meeting at the One80 Place pertaining to the mini-storage, and we had a lot of opposition from some of the community members that live in that area, particularly around Walnut Street. We have another proposed project, coming by One80 Place, to build a multi-family development for housing for homeless individuals. As I always state, if we want to help the homeless, we need to have them to build that facility. Also, you have the Housing Authority there, and the maintenance department parks on that street. If you were to go down Walnut Street, you can't even get down Walnut Street. They have parking on both sides of Walnut Street, and we also have a proposed project coming

on the end of Walnut Street, that is going to be probably 100 units, and a complex that's going to be there, if it's approved. So, when you have all that on Walnut Street, and you have the mini-storage there, how are you going to get in and out? The street is too narrow, and cars are parked on both sides of the street, and it is a very dangerous situation. I've been there, and I've watched it. I've looked at it, and I see no way that this could happen, if you have the mini-storage facility on Walnut Street. I'll go along with the housing complex part of this, but the mini-storage part, I can't see that happening."

Mr. Cooper said, "If I could respond, Councilman."

Councilmember Mitchell said, "You don't have to."

Mr. Cooper said, "No, I would be happy to. I think the Councilman brings up a good point on the impact of various developments on properties all along Meeting Street. Our property is zoned that would permit development of this property as a multi-family project, and we've been approached by numerous developers who would prefer to develop this as a multi-family apartment complex. However, we think that the development of self-storage would impose much less stringent traffic requirements, and be much more of a passive commercial activity than, say, an apartment complex."

Mayor Tecklenburg said, "Alright. Would anybody else in the public like to be heard on this matter? Yes, sir, Mr. Newton."

2. Barry Newton said he was there on behalf of the property owners, his wife, and sister-in-law. He stated the family had owned this property on Meeting Street since the 1930s, and there had been warehouses there the entire time. He said Public Storage came to them and made a proposal, so they started working with the City and the BAR as to what should be saved and what could be torn down, and they were issued a permit. He stated they signed a Purchase Agreement with Public Storage last July, and they had been working diligently with them and their tenants. The project was on track, and then the ordinance was passed for first reading, and it effectively killed the project unless it received some relief. They had spent a lot of time and money, and now they were being told that a property that had always had warehouses could not be developed into mini-storage warehouses. He said they were asking to proceed with the project that they had put so much time, money, and effort into and hoped to move forward together.

Mayor Tecklenburg said, "Thank you. Would anyone else like to be heard on this matter?"

Mayor Tecklenburg said, "Yes, sir. Please come forward."

3. Mohammed Idris asked if Crisis Ministries was not allowed to build anymore in the area and if the applicant was saying that they were impeding the process.

Mayor Tecklenburg said, "No. They can build more. So, this matter now comes before Council."

Mayor Tecklenburg recognized Councilmember Mitchell.

Councilmember Mitchell said, "Yes, I understand fully what the owners and the developers are saying, but if you see Meeting Street, as it is now in that particular area, you have the housing complex right across the street. Also, there is a median in the middle of the street, and I was trying to get it moved for years, and the State won't move it. It's a safety problem too. Once you have the mini-storage there, you're going to have a traffic issue up and down Meeting Street. I just can't see it. I told them in the beginning, that I would assist in getting approval for the housing aspect on that particular property because we need the housing for the homeless. We keep talking about homelessness, homelessness, homelessness. One80 Place is proposing to do this, along with the developers of the housing that are probably going to build there for homeless, who do not have funds. So, that is what I'm going to support, not the mini-storage going there. I just don't see it, and I've lived in that area a long time. I will not support that, and I told them in the beginning when we first had the meeting, so they know my point of view of that."

There was applause.

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "Mr. Mayor, if I understand where we stand with this ordinance, he does not have an application available or submitted, so, if we pass this ordinance, his only other remedy, then, is to come back and reapply for rezoning?"

Mayor Tecklenburg said, "That is correct."

Councilmember Shahid continued, "We don't have the option to defer this at this point? Is that correct?"

Mayor Tecklenburg said, "You could."

Councilmember Seekings said, "But we've already given it first reading."

Councilmember Shahid said, "Even after first reading?"

Mayor Tecklenburg said, "Right."

Councilmember Shahid said, "So, if we defer this, then he can make an application?"

Councilmember Seekings said, "No, we've already given it first reading."

Councilmember Shahid said, "I'm just trying to make sure of where we sort of stand."

Mayor Tecklenburg said, "You could defer it, if you want."

Councilmember Shahid said, "No. If we deferred it, could he then submit his application?"

Mr. Lindsey said, "Because this was given first reading by Council, we have a pending ordinance, so it is in effect, and an application could not be made which would then vest the project currently."

Mayor Tecklenburg recognized Councilmember Lewis.

Councilmember Lewis said, "Mr. Mayor, I move that we give this a second reading."

Mayor Tecklenburg said, "Alright. We have a motion for second reading. Do we have a second?"

Councilmember Mitchell said, "Second."

Mayor Tecklenburg said, "Is there any further discussion?"

No one else asked to speak.

Mayor Tecklenburg said, "I would just like to say I sympathize, Mr. Newton, with the fact that you've been through this process for some time now, but given the fact that no application has been filed, the time for you to get through the BAR will be much longer than for you to get a rezoning. So, we would welcome you to come forward with a rezoning on the property, if you want to proceed, which will be a different matter. Yes, sir. Thank you."

On a motion of Councilmember Lewis, one (1) bill (Item E-6) received second reading. It passed second reading on motion by Councilmember Mitchell and third reading on motion of Councilmember Mitchell. On further motion of Councilmember Lewis, the rules were suspended, and the bill was immediately ratified as:

2017-026 AN ORDINANCE TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) TO PROHIBIT MINI-WAREHOUSE/SELF-STORAGE USES IN THE URBAN COMMERCIAL (UC) ZONE DISTRICT AND CHANGE MINI-WAREHOUSE/SELF-STORAGE USES FROM A CONDITIONAL USE TO A SPECIAL EXCEPTION USE IN THE GENERAL BUSINESS (GB) ZONE DISTRICT (**AS AMENDED**)

The vote was not unanimous. Councilmembers Shahid and Moody voted nay.

The Clerk said, "Councilmembers Shahid and Moody."

Mayor Tecklenburg said, "The motion passes."

Mayor Tecklenburg said, "So, next is the approval of our City Council minutes from March 14, 2017."

Councilmember White said, "So moved."

Councilmember Waring said, "Second."

Mayor Tecklenburg said, "Are there any issues, deletions or questions?"

No one asked to speak.

On a motion of Councilmember White, seconded by Councilmember Waring, City Council voted unanimously to approve the minutes of the March 14, 2017 City Council meeting.

Mayor Tecklenburg said, "Next, is our Citizens Participation Period, and we normally

have just a 30-minute period. We have 49 people signed up.”

The Clerk said, “Well, I have taken a few people off, so it looks like it will be 47.”

Mayor Tecklenburg said, “Yes, okay. So, I’m going to ask you all to kindly keep it to 45 seconds. So, if you’re here on a repetitive matter, you know somebody has already spoken and kind of made your point, try to make a different point, maybe. Another way that we will be glad to accommodate is when some spokesman for a particular point of view wants to get a show of hands to show accordance with their point of view, that’s fine. I’m going to ask you all though, for no outbursts or big rounds of applause or anything. This is a public meeting, but I ask you to please be reserved. Make your statement to Council, and we’ll be glad to have a show of hands that show support for any particular point of view. So, first up is Ms. Harley, Ellen Harley. You will have to come forward, state your name and address. I’ll have to hand the microphone to you.”

1. Ellen Harley, 23 Wentworth Street, said that she was representing the Charleston Carriage Horse Advocates which was a group of neighbors in Charleston. She presented to the Mayor and City Council more than 55,000 signatures from people all over the world demanding a ban on the carriage industry in Charleston. She also presented 3,000 comments from people.
2. Marc Knapp, 2258 Pristine View, stated that adding another six-figure salary to the Public Safety Department would be throwing money away. He said we have all kinds of problems, and nothing good comes out of a bureaucracy.
3. Mohammed Idris said to the Mayor and City Council that he was going to take some of their family to court. He said they promised him if he helped them get elected, then they would fulfill some promises to him, but they haven’t. He stated he is going to court, and he wanted the Mayor and City Council to know this in person.
4. Lauren Dasher, 1715 Wambaw Avenue in Laurel Park, said she was concerned about the traffic and flooding in the area of Central Park Road and Riverland Drive. She stated that they have asked for years for a traffic light at the intersection of Central Park Road and Riverland Drive, but to no avail as each corner was in a different municipality. She asked that the municipalities work together to put up a traffic light at this intersection. She mentioned that her children attended school in the area, and it was a dangerous situation. She also requested a moratorium on building more apartments, due to the traffic and flooding.
5. Dan Krosse said he was a small business owner in Charleston, and he was the media and marketing consultant for the Charleston Animal Society. He stated in 2016 there were numerous cases of horses that should have been pulled off the streets at a temperature of 103 degrees, and they hoped the City was getting an accurate interpretation of the temperature readings.
6. Nicole Kernodle said she was a native of James Island. She was concerned with the overdevelopment on James Island and supported the moratorium on building more apartments for at least two years. She stated that the infrastructure needed to be rebuilt.

7. Kay Kernodle said that they had had enough with regard to the overdevelopment on James Island. She supported an apartment moratorium.
8. Carolyn Sotka said it was time to involve the community, and they urged an apartment moratorium on James Island. She stated there should be no heights greater than two stories, and they should be consistent with the density of Single-Family homes.
9. William Boggan said he supported an apartment moratorium on James Island.
10. Roger Turk said he supported an apartment moratorium on James Island.
11. Justin Miller said he was an equine veterinarian with over 15 years of experience. He stated he had not witnessed examples of individualized hour-by-hour care like was done with the carriage horses here in Charleston. He stated that Dr. Ernst and Dr. Jacobs had pored over between 20,000 and 21,000 data entry points of temperatures taken. They found, 99.65 percent of the time, despite the ambient temperature and despite the time of day, the horses were able to thermal regulate. There was a fundamental difference between hypothermia with the horses overheating and fever, and the normal incidence of sickness within a healthy curve of working horses in the City of Charleston. He said 23.5 percent was statistically insignificant. He said they were treated the same day by a veterinarian and did not go back to work until they had recovered. He thought they were primarily focusing on the wrong things.
12. Chris Dixon, 1624 Teal Marsh Road, supported a building, residential, and apartment moratorium on James Island until they could get a handle on things. He stated the fundamental problem was there was no regional plan on James or Johns Island. He asked that Councilmember Wilson form a body consisting of Town Council, City Council, and the Town of James Island that would have a say in what was happening on their Island.
13. Lindsay Hamrick, London Drive, thanked Council for coming to James Island this time. She wanted to know what was happening with revising the data base zoning. She said two years ago signatures were taken of people who wanted this revised, and a couple of thousand more apartments had gone up. She felt they weren't getting the attention they deserved, and they were ready for Council to give them the same respect that they gave the rest of the City. She thanked Councilmember Wilson for all of her help.
14. Garrett Milliken, 762 Ft. Sumter Drive, said enough was enough, and their roads and schools were full. James Island was in the same situation as Mt. Pleasant. He said their quality of life was suffering because of overdevelopment. He supported a moratorium on James Island, and he asked what could be done during a moratorium period. He stated the City of Charleston's Comprehensive Land Plan could be modified to preserve a prominent amount of greenspace.
15. Barbara Hart of Ansonborough asked if Charleston was treating their horses humanely. She asked that the temperature be reduced to 95 degrees, elimination of the four readings, and for the thermometer to be moved to street level where the horses worked.

16. Wiley Becker, Savage Street, said the horse carriage ordinance was common sense in many ways. The thermometers were four stories above where the horses were actually working. The general assumption was that they could not be moved because they used the WeatherBug network which was an independent monitoring system that could be checked by anyone. He met with the Director of WeatherBug and with their Senior Sales Manager for the Southeast, and a significant amount of their weather stations were located on ground level. They were able to move the two at the Dock Street and at the DoubleTree for a cost of \$3,000 in two-weeks time. He stated there were people who would pay for it at no cost to the City.
17. M.B. Berry stated she had a letter from April Magill who was an architect who lived on James Island, which stated the same thing that everyone had said with regard to the overdevelopment on James Island. She said Ms. Magill was also encouraging permeable pavers because of water resiliency. She suggested an impact fee that would pay for some of the costs of the difficulties being caused by development. She also suggested that the moratorium was a good idea without suggesting a length of time. A two-year moratorium sounded like a long time, however, that would give plenty of time to review everything. She said a two-year time period would allow CARTA and Planning to begin making changes on James Island to get vehicles off the road. There were too many vehicles and not enough road space, and the road space could not be increased.
18. Dr. Sabrina Jacobs said she was one of the veterinarians assigned to the committee to evaluate the temperature regulations on the carriage horses in Charleston. She stated that after extensive review of the data, she and Dr. Ernst analyzed every complaint they heard and decided to put forth a motion. It was voted on, and the majority chose this as the correct path moving forward. She stated it was an investment in the horses and looked at the welfare of the animals, which was their sole purpose.
19. Dr. Chris Ernst said he was a veterinary practitioner of 20 years and worked with Dr. Jacobs on the committee on the temperature change. He stated that even though the temperature was being changed, they were still maintaining the 103 degree internal horse temperature to pull off the street. He said if a horse had not acclimated properly to the weather in Charleston, there was a policy to pull those horses off the street. He stated no one wanted to have a horse in distress, and his experience with the carriage companies in Charleston was that they had the best interests of their animals in mind, as well.
20. Dr. Sally Banner said she was a veterinarian with Edisto Equine and had been a veterinarian for 20 years. She had been working in the Charleston area for 17 years. She stated she was one of the veterinarians providing healthcare to the horses downtown. She was very much in favor of the amendment to the ordinance for the weather conditions for the carriages, however, she thought it was important to note that current protocols that were in place for handling horses after tours had been very effective in preventing any major incidents.
21. George Tempel thanked Council for their service to the community and coming to James Island. He said he supported an apartment moratorium, and he encouraged forming a joint commission to look at a Master Plan, a Planning group that would

- consist of City Council and constituents of the Town of James Island and Charleston County. He said that James Island needed a Master Plan rather than piecemeal development.
22. Broderick Christoff of Charleston Carriage, 20 Anson Street, said with regard to the carriage ordinance, he thought it was significant that they heard from the actual equine veterinarians. He said the horses were very well taken care of, and regardless of whether the ordinance passed, the horses were still going to be very well taken care of.
 23. Ellen Hoffman, 737 Whispering Marsh Drive, thanked City Councilmembers for their commitment. She believed in smart growth and that Council needed to look at every occupation and see how it fit into the fiber of the community. They needed to look at the impact of the infrastructure, drainage, quality of life, traffic, and all of these were critical.
 24. Dr. Janet McKim, 1651 Folly Creek Way, stated she was a veterinarian and considered herself a scientist, but her specialty was not equine. She requested a scientific peer review study to put to rest some of the confusion that existed with this issue. She said a study as proposed by the Charleston Animal Society could provide those facts, which would enable Council to move forward in an independent and qualified direction.
 25. Christina Dodd, 42 Hasell Street, said she had watched hot, sweaty, tired, exhausted horses pulling larger tourists for 17 years. She said the thermometer was not doing its intended purpose at four stories high and was not in the best interest of the horses. She stated the thermometer needed to be moved to ground level.
 26. Pamela Constantine said she had been involved in the horse industry for approximately 45 years. She stated she had not seen better care anywhere else than what she saw with the carriage horses downtown. She said the horses were work horses, and they were very closely monitored.
 27. Carol Linville, President of Pet Helpers at 1447 Folly Road, said she had been following the horse issue for the same number of years. She said it was common sense to bring the thermometer down to ground level and have one temperature reading, no more than two. She stated the carriage horse industry should be happy about that as it was a more fair reading for heat temperature.
 28. Aldwin Roman of Johns Island said he was concerned about statements that were made at the last City Council meeting when it was questioned as to whether any carriage horses had died. He said death should not be considered as a threshold in the community for considering what was or wasn't humane. He stated the State laws did not define cruelty to animals by whether or not an animal died. He said if they waited to take action for a horse, they weren't doing right by the community and the animals and were not following City laws.
 29. Joe Elmore, CEO of the Charleston Animal Society and resident of Johns Island, said the Animal Society thanked the City's efforts in moving forward. He asked that the readings be reduced to two, preferably one, like other cities across America, and that the weather station on top of the Doubletree Hotel be moved to ground level.

30. Robin Hardin, 902 Preston Road, said she was sorry to say she was in favor of James Island becoming part of the City, but she thought that James Island's worst fears were being realized by the City's massive overdevelopment of the Island. She said trees were being cut down, there were no retention ponds, and traffic and flooding were worse every day. The Town of James Island's Land Plan did not allow for more than four residences per acre. She wished all municipalities would work together to address land planning, development, improving the roads, especially Folly Road, and she supported a moratorium.
31. Susan Milliken, Fort Sumter Drive, stated they came out tonight to request to stop building so much on James Island. They were really maxed out, and the roads were maxed out. Two of their major thoroughfares were scenic bi-ways. The State of South Carolina didn't want anyone to widen Fort Johnson Road or Riverland Drive. She said they knew there were plans to widen Camp Road between Riverland and Folly, and there were plans to build a big center like Bishop Gadsden, a rehab hospital. They knew all of this was coming but they were begging City Planning to put an end to it. City Planning was staff, and they were being charged by someone to do this. She said the Mayor and City Council needed to help them put an end to the building on James Island.
32. Breanne Benton said she was a James Island native. She deferred to other members from the community speaking on the depletion of their greenspaces, the impact to wildlife, impacts upon the schools, flooding, a lack of permeable sources, all of which continued to have an adverse impact on traffic, as well. She strongly encouraged everyone to support the requested moratorium on high density development in the area and to also work in tandem with Johns Island and island areas whose development also compounded these issues. She stated any time the Limehouse Bridge flooded out, that left one route off for the entirety of Johns Island, which was right by her neighborhood, Riverland Terrace, and it was typically a 10- to 20-minute commute just to make it a mile down Maybank Highway.
33. Emily Barrett, 307 Yates Avenue and life-long resident of James Island, stated that her son would not get to experience the things on James Island that she did due to the overdevelopment. She requested that something be done at the intersection of Riverland and Maybank before somebody else was killed there.
34. Julie Hallman, 403 Carol Street, stated she was also in favor of an apartment moratorium. She said the growth that James Island was experiencing was not healthy and not being planned for, and the current planning was for the past, not the future. They held City Council responsible, and the City consistently put developers' wants, money and/or greed, over the needs of citizens. They were going to get bigger storms, and with more development came more concrete and flooding. This was a safety issue. She said they didn't even have sidewalks for the children to walk on much of the island, and they needed to plan for the future.
35. Kevin Burke, 165 Plymouth Avenue, stated the traffic was so bad that it was quickly suffocating all who lived on James Island, and it was keeping them from doing the things that they loved and did on a daily basis. He said syncing traffic lights would not fix the problem, and it was endlessly frustrating to sit in gridlock while looking at construction sites that were building apartments by the hundreds. He stated they were on the verge, if not already there, of taking over all of the things that made

Charleston such a great place to call home in order to appease developers who were not vested in their community, other than the rent checks they deposited into their accounts.

Mayor Tecklenburg said, "That's the end of our Citizens Participation Period. I would like to thank you, again, all for being here."

The Clerk said, "Just for the record, our office received numerous calls. I think it's about 50 calls. This is like a 125 e-mails that were sent to both you and me, and sometimes just me alone, on behalf of the Charleston Animal Society. There are three things that they highlight: fix the ordinance, move the thermometer, change the reading, and then, Council also has on its desks some excerpts, as it relates to the horses and the care of the horses, from Ellen Harley."

Mayor Tecklenburg said, "Okay. A quick advertisement, this James Island Recreation Complex, if you didn't know, is open now on Sunday afternoons for you and your family's use and enjoyment, and the extra costs of keeping it open is being split by the City of Charleston and the Town of James Island, 1:00 p.m. to 5:00 p.m. So, in the afternoon, if you want to play some ball and use the facilities, they are now open here on Sunday afternoon. I would like to call next on Councilmember Wilson."

Councilmember Wilson said, "Thank you, Mr. Mayor. I'm going to speak here for a few minutes, given that this meeting is here in my district, and I want to speak for those who were not given 45 seconds or didn't get an opportunity to speak, and for those who may have wanted to speak for longer than 45 seconds. I represent this district, and I hear you loud and clear, and I've tried to be a very, very strong advocate for what's going on. My colleagues on Council, we are dying over here. We are gridlocked with traffic, we've got flooding problems, and we have apartments sprouting up left and right. We just lost our movie theater. Carmike sold the property. It was not a profitable theater. It was old, and it was run down. That industry is declining, and they chose to sell to a developer. I went to that developer and said, 'This is zoned General Business. We can really use some nice little retail, some commercial space in that area.' All we got were apartments. What I see is a cherry picking of zonings. We have General Business, we have Limited Business. Developers are coming in and choosing only the elements of zoning that are getting them the quickest amount of money, in the quickest period of time, and that is apartments right now. Apartments are hot, that's where they can get financing. We have had a lot of development on the Island, a lot of which we simply don't have the ability to curtail. I can work density, I can work buffers, things like that, however, when three sons of a woman in a nursing home choose to sell their property, and it carries a Single-Family Residential Zoning, and that is what's put forward, there's not a whole lot this body can do. As I said, I've worked for lower density, increased buffers, that sort of thing. We have major infrastructure problems on the Island. We cannot expand our roads. We had a Re-think Folly Road Project. It is underway, but I think we need to be very realistic. That's not going to solve our problems. That's going to put in some sidewalks, that's going to reconfigure some spaces. We're going to be able to move from one parking lot to another with a greater amount of ease, but not that's not going to solve the fundamental problems that we have. What I do see is a lack of balance on the Island. We've become so residential heavy, and I understand the concept of smart growth and some infill. It doesn't have to be excessive infill. It's okay to leave a little thicket of trees to remind us what trees are."

There was applause.

Councilmember Wilson continued, "So, there's infill to a suffocating degree, and then

there is smart growth. Our tipping point has shifted back. We are no longer in a smart growth mode. We are infilled to an overwhelming proportion. What I see as the possible solutions, we are at mid-point in our ten-year Comprehensive Plan review. We have got to look very hard at the Island and see what direction we want to go, and how we can modify, and how we can turn this ship, at this point, in the Comprehensive Plan. We also need to look at our zonings and perhaps, we need to tighten up these zonings. Perhaps there are some fundamental changes that need to be made and residential allowances in business zonings modified. The 'business' in General Business is gone. The 'business' in Limited Business is gone. It's all been replaced with the 'residential' element that we see cropping up everywhere. What I would like to also see is communication. I get along pretty well with the Town of James Island, and we try to work together but, yes, we do need comprehensive County, City, and Town coming together, a sharing of information as to what's coming up. I am living in mortal fear of what is going to happen to those acres near the Brick House Restaurant. That was the plan pulled from the County. It was egregious what was getting ready to go in there, and I truly, truly live in fear of what the County may do, or that property being annexed into the City, and all of us, you know there's discussion going on and you see something go on the agenda. So, we need to be much more cooperative and have a sharing of information among all of these things. Again, CARTA is not going to be the sole savior, riding bikes is not going to be the savior of the Island. All of the people have pieces, but we've got to get moving. We've got to make some very fundamental changes on this Island. I know there have been a lot of people come in this evening and asked for a moratorium. It would be very unfair of me tonight to spring that on my colleagues. So, I want you all to know up front why I'm not asking for a moratorium tonight. These gentlemen have just heard about this in the last 45 minutes. It would be very, very unfair of me to force that decision right here and right now, however, there have got to be steps that we need to take, and we've got to start turning the ship on James Island, and turning some of the balances that have really deteriorated our quality of life. I will say that there is half cent sales tax money that is coming. We hope it will be applied to Secessionville, Folly, and other dangerous intersections. Oh, I'm sorry, I know I'm talking a lot, but I have to talk. This is my district."

There was laughter.

Mayor Tecklenburg said, "I wasn't rushing you. Take your time."

Councilmember Wilson continued, "Central Park and Riverland Drive, it's been a mess forever. It floods, it's been a mess forever, but I will say I've had the support of this Council, Mayor Riley, and Mayor Tecklenburg. SCDOT had the great idea of coming in and creating an entirely new road. They took out about 20 grand trees to modify that intersection. Councilmember Moody was one of three who said, 'What's wrong with the traffic light, a simple traffic light to fix that?' So, we've gone back and forth with SCDOT. That is in the works. We're waiting for SCDOT to acknowledge the benefits of a simple traffic light at that intersection. We might have to take out a bush to clear a line of sight, but those are the sorts of things that we've got to start making progress on, on the Island and, Mayor, thank you for your support on that. We just had a talk about that the other day. Thank you all for coming."

There was applause.

Mayor Tecklenburg said, "Thank you. Thank you again for coming, and I do just want to reiterate, there is a difference between a public hearing and our Citizens Participation Period. So, when we have an item that is scheduled for a public hearing, you are allowed to talk on and on and on, but the Citizens Participation we normally try to keep it to 30 minutes. I did shift it

from 45 seconds to a minute. I don't know if anybody noticed."

Mr. Idris said, "I noticed."

There was laughter.

Mayor Tecklenburg continued, "Do you want to pick up your 15 seconds? Anyway, so, thank you for your patience and your comments. We hear you."

Next, is our Petitions and Communications, and you all stay for one minute, because I want to call forward a very special person, our Chief of the Fire Department, Karen Brack. Please come forward for a minute. So, folks, Karen, has been a firefighter for over 35 years. She's from Savannah, Georgia, originally, and began as a firefighter with the Fulton County Fire Department, where she rose through the ranks to become a Battalion Chief and was trained in everything from hazardous materials, to being a paramedic, to being a bomb technician. She does it all. She then went to Eugene, Oregon and became the Deputy Chief of Operations there in Eugene. In August 2012, after an extensive search, she became the Chief of the City of Charleston Fire Department. We are one of only 22 fire departments in the United States of America that holds an ISO Class 1 rating and is accredited by the Center for Public Safety Excellence. I just wanted to take a minute since Chief Brack, unfortunately, is retiring from being a firefighter this next week. This will be the last City Council meeting that she's with us as our Chief. I wanted everyone to recognize her, and, Chief, we have a couple of gifts we'd like to give you."

There was a standing ovation.

Mayor Tecklenburg said, "Chief Brack."

Chief Brack said, "Wow, I really, I appreciate this. When I came in, there were a whole lot of people here, and I thought it was all for me."

There was laughter.

Chief Brack continued, "But, obviously not. The Mayor had to force some people to stay."

There was laughter.

Chief Brack continued, "I just want to thank this Council and the Mayor, Mayor Riley before him, and the partners that are out in the audience. They have been just so good to me over the last four and a half years. The Charleston Fire Department, the men and women of the Charleston Fire Department, have done a spectacular job, and the credit for anything and everything that happens goes to them. So, thank you very much."

Mayor Tecklenburg said, "God Bless."

There was a standing ovation.

Mayor Tecklenburg said, "So, another little, or big person, in my opinion, I would like to announce to Council and to the public that we have a new Director of Business Services. As you all remember, Amy Barrett left us a couple months ago and went on to other pastures. The Director of Business Services oversees the direct operations of our divisions. It's not a department, so it doesn't require Council approval. A division of that kind of development and the overall

mission is to serve as a catalyst and facilitator for private initiatives which foster a healthy and sustainable business model for the City, and I'm very pleased to announce that we've hired Clay Middleton to fill that position. Clay, would you please stand and be recognized?"

There was applause.

Mayor Tecklenburg continued, "Clay is a graduate of The Citadel with both a Bachelors of Science and Master's Degree. He has honorably served in the United States Army and The Citadel. I believe he is a Major in the U.S. Army Reserve and has held numerous positions in the government politically, has military experience and leadership in public policy. Clay, we welcome you on board with the City team. So, next before us is the Boards and Commissions Appointments and Reappointments, some of which actually might require Council approval, and a couple of them did not."

Councilmember Moody said, "I move for approval of Items I a.(i), I(iii), and I(iv)."

Councilmember Lewis said, "Second."

Mayor Tecklenburg said, "We move for approval of Items I a.(1), I(3), and I(4)."

Councilmember Moody said, "We didn't get the information on Item I a.(2) I don't believe."

Councilmember Seekings said, "It's not up."

Mayor Tecklenburg said, "Oh, I apologize. For some reason, Colonial Commons is coming back to you. Approval of Items I a.(1), (3), and (4), do we have a second?"

Councilmember Lewis said, "Second."

Mayor Tecklenburg said, "Is there any discussion or questions?"

No one asked to speak.

On a motion of Councilmember Moody, seconded by Councilmember Lewis, City Council voted to approve the appointments and reappointments to the Mayor's Commission on Children, Youth and Families, Board of Appeals – Site Design, and the Accommodations Tax Advisory Committee.

---INSERT APPOINTMENT MEMOS---

Mayor Tecklenburg said, "Next, will be our Council Committee Reports. First, Traffic and Transportation, Chairman Seekings."

Councilmember Williams said, "Move for approval."

Councilmember Waring said, "Second."

Councilmember Seekings said, "That's all I've got."

Mayor Tecklenburg said, "That's all he's got. We have a motion to approve. I think we're going to request a public hearing on the parking matter. Is there any discussion?"

No one asked to speak.

On a motion of Councilmember Williams, seconded by Councilmember Waring, City Council voted unanimously to adopt the Committee on Traffic and Transportation Report as presented:

---INSERT TRAFFIC AND TRANSPORTATION REPORT---

- a. Application for Original Certificate of Public Convenience and Necessity:
 - Gloria D. Johnson DBA Ms. Gloria Express Cab (Taxi)
 - GE & S LLC (Limo)
- b. Approval of Traffic Calming Speed Humps
 - Congress Street (Hampton Park Terrace Neighborhood)
- c. Request public hearing to expand Charlestowne Neighborhood Residential Parking District B to include the southern boundary of Murray Boulevard from King Street to Tradd Street.

Mayor Tecklenburg said, "Next, is our Committee on Public Works and Utilities."

Councilmember Seekings said, "So moved."

Councilmember Gregorie said, "Second."

Mayor Tecklenburg said, "We have a motion for approval. Is there any discussion?"

No one asked to speak.

On a motion of Councilmember Seekings, seconded by Councilmember Gregorie, City Council voted unanimously to adopt the Committee on Public Works and Utilities Report as presented:

---INSERT PUBLIC WORKS AND UTILITIES REPORT---

a.) Acceptance and Dedication of Rights-of-Way and Easements:

- i. **Sidewalk at Orleans Road** – Approval to notify SCDOT that the City intends to accept maintenance responsibility for 432 linear feet of proposed concrete sidewalk and seven ADA ramps with detectable warning assemblies for a portion of sidewalk located within the SCDOT right-of-way at Orleans Road (S-10-1373) near Dulsey Road. Letter and map attached.
 - Letter
 - Map
- ii. **Daniel Island Parcel E Phase 3** - Acceptance and dedication of Isaac Lane (20-foot right-of-way [375 linear feet]), a portion of Chimney Back Street (50-foot right-of-way [605 linear feet]), a portion of Dark Timber Street (50-foot

right-of-way [635 linear feet]), and a portion of Lesesne Street (50-foot right-of-way [395 linear feet]). There are 33 lots. All infrastructure is complete.

- Title to Real Estate
- Affidavit for Taxable or Exempt Transfers
- Plat
- Exclusive Storm Water Drainage Easements

iii. The Oaks at St. Johns Crossing - Acceptance and dedication of Wellons Drive (20-foot right-of-way [468 linear feet]), Biggio Drive (55-foot right-of-way [294 linear feet]), Potter Lane (22-foot right-of-way [287 linear feet]), Emmets Road (right-of-way varies [2,510 linear feet]), Chinook Crossing (20-foot right-of-way [821 linear feet]), and Cayla Street (right-of-way varies [303 linear feet]). There are 77 lots. Sidewalks and accessibility ramps are bonded.

- Title to Real Estate
- Affidavit for Taxable or Exempt Transfers
- Plat
- Exclusive Storm Water Drainage Easements

Mayor Tecklenburg said, "Next, is the Committee on Ways and Means."

Councilmember Moody said, "Move for approval of the Ways and Means Report."

Councilmember Waring said, "Second."

Mayor Tecklenburg said, "We have a motion for approval and a second. We had the meeting here just a little bit ago. So, is there any further discussion?"

No one asked to speak.

On a motion of Councilmember Moody, seconded by Councilmember Waring, City Council voted unanimously to adopt the Committee on Ways and Means Report as presented:

---INSERT WAYS AND MEANS REPORT---

(Bids and Purchases

(Budget Finance and Revenue Collections: Approval of a Project Development Agreement with Johnson Controls to perform a Phase III assessment of facilities and equipment to identify energy efficiencies and savings primarily for lighting, HVAC, chillers and ice machines. A facility improvement measures plan will be developed. The City will have the option of selecting JCI to implement the plan. If the City does this, then the cost of the plan will be incorporated into the financing agreement that will be brought back to Council for approval. If not, the City is required to pay \$98,435 for the cost of developing the plan.

(Office of Cultural Affairs: Approval to submit a grant application to SCPRT in the amount of \$6,000 for the 2017 MOJA Arts Festival. A City match in the amount of \$12,181.82 is required. The match will come from corporate sponsorships and paid admissions.

(Parks-Capital Projects: Acceptance of a 2017 Park and Recreation Development (PARD) grant award for the funding of the construct a new playground at Lenevar Park, with the existing equipment removed upon completion. Scope of work

includes site preparation, purchase and installation of new playground equipment, purchase and installation of safety surfacing, and related site improvements. This grant provides 80% of the cost of a project, with the remaining 20% to be provided as matching funds. The grant funding provides \$55,055.31, requiring a \$13,763.83 match for total project funding of \$68,819.14. Funding will be available upon acceptance of award, and work must be completed by May 31, 2019. The approval of the grant award will institute a \$68,819.14 project budget. The funding source for the project is: 2017 PARD Grant Funding (\$55,055.31) and 2017 Construction – Playground Equipment Maintenance (\$13,763.83).

(Public Service: Approve Spring/Fishburne US17 Drainage and Transportation Improvements: Division III Federal Match (Phase 2) Change Order #6 in the amount of \$1,350,269 from Crowder Construction Co. on subject project for establishing proper street, curb, and gutter grades and cross-slopes along President St., Fishburne St., and Ashley Ave. Funding for this change order will be covered by the project contingency

(Public Service: Approve Amendment #14 in the amount of \$915,570.40 to the original design contract with Davis & Floyd for additional services for Phase 2 of the US17 Spring/Fishburne Drainage Improvement Project. Included in the scope of this amendment are additional CEI services to complete the project and design services for street-section improvements (establishment of proper curb and gutter grade and elevations) for the portions of the project on President St., Fishburne St, and Ashley Ave. The latter task includes Project Management, DATA Collection, and Preparation of Construction Documents.

(Public Service: Approve Forest Acres Drainage Improvement Project Change Order #1 in the amount of \$97,424.80 from Gulf Stream Construction Co. on subject project for the relocation of a sanitary sewer force main on 5th Ave that was in conflict with the new box culvert. CO#1 will be funded from the project contingency.

First reading was given to the following bills:

An ordinance to provide for the annexation of property known as 1844 Produce Lane (0.65 acre) (TMS# 313-00-00-157), Johns Island, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 5. The property is owned by the estate of Mary Lurie Hewett.

An ordinance to provide for the annexation of property known as 113 Riverland Drive (0.55 acre) (TMS# 343-01-00-006), James Island, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 11. The property is owned by Mary and James Gatch.

Mayor Tecklenburg said, "So, that brings us up to bills for second reading."

The Clerk said, "Items K-1 through K-8."

Mayor Tecklenburg said, "We have Items K-1 through K-8."

Councilmember Seekings said, "Can we do Items K-1 through K-7?"

Mayor Tecklenburg said, "Items on the agenda. We have a motion to take which ones?"

Councilmember Seekings said, "Because I want to talk about Item K-8."

The Clerk said, "Items K-1 through K-7."

Mayor Tecklenburg said, "Items K-1 through K-7 together."

Councilmember Mitchell said, "Second."

Mayor Tecklenburg said, "We have a motion and a second. Is there any discussion on Items K-1 through K-7?"

No one asked to speak.

On a motion of Councilmember Seekings, seven (7) bills (Items K-1 through K-7) received second reading. They passed second reading on motion by Councilmember Mitchell and third reading on motion of Councilmember Lewis. On further motion of Councilmember Gregorie, the rules were suspended, and the bills were immediately ratified as:

- 2017-027** AN ORDINANCE TO AUTHORIZE THE EXECUTION AND DELIVERY OF LEASE/PURCHASE AND SECURITY AGREEMENTS WITH TD EQUIPMENT FINANCE, INC. IN ORDER TO PROVIDE FOR THE ACQUISITION OF CERTAIN POLICE, FIRE, PUBLIC SERVICE, FLEET, STORMWATER AND IT EQUIPMENT AND VEHICLES; TO PROVIDE THE TERMS AND CONDITIONS OF SUCH LEASE/PURCHASE AND SECURITY AGREEMENTS; TO PROVIDE FOR THE GRANTING OF A SECURITY INTEREST TO SECURE ALL OBLIGATIONS OF LESSEE UNDER THE LEASE/PURCHASE AND SECURITY AGREEMENTS; TO AUTHORIZE THE EXECUTION AND DELIVERY OF ALL DOCUMENTS NECESSARY OR APPROPRIATE TO THE CONSUMMATION OF SUCH LEASE/PURCHASE AND SECURITY AGREEMENTS; AND TO PROVIDE FOR OTHER MATTERS RELATED THERETO.
- 2017-028** AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY A SECOND AMENDMENT TO THE PURCHASE AND SALE AGREEMENT BETWEEN THE CITY AND SOUTH CAROLINA STATE UNIVERSITY PERTAINING TO PROPERTY LOCATED IN THE COOPER RIVER BRIDGE REDEVELOPMENT AREA AND SUCH OTHER DOCUMENTS AS MAY BE REQUIRED TO EFFECT THE TRANSFER OF SAID PROPERTY.
- 2017-029** AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS 1522 GRIMBALL ROAD EXTENSION (0.41 ACRE) (TMS# 427-00-00-008), JAMES ISLAND, CHARLESTON COUNTY, TO THE CITY OF CHARLESTON, SHOWN WITHIN THE AREA ANNEXED UPON A MAP ATTACHED HERETO AND MAKE IT PART OF DISTRICT 6. THE PROPERTY IS OWNED BY FRANCINA BACKMAN.
- 2017-030** AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS 2205 RAMSAY STREET (0.25 ACRE) (TMS# 343-05-00-125), JAMES ISLAND, CHARLESTON COUNTY, TO THE CITY OF CHARLESTON, SHOWN WITHIN THE AREA ANNEXED UPON A MAP ATTACHED HERETO AND MAKE IT PART OF DISTRICT 11. THE PROPERTY IS OWNED BY EDWARD MUNGO.

- 2017-031** AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS 1524 GRIMBALL ROAD EXTENSION (0.58 ACRE) (TMS# 427-00-00-085), JAMES ISLAND, CHARLESTON COUNTY, TO THE CITY OF CHARLESTON, SHOWN WITHIN THE AREA ANNEXED UPON A MAP ATTACHED HERETO AND MAKE IT PART OF DISTRICT 6. THE PROPERTY IS OWNED BY CLYDE J. SMALLS AND CAROL J. SMALLS.
- 2017-032** AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS GRIMBALL ROAD EXTENSION AND COOPER JUDGE LANE (1.19 ACRES) (TMS# 427-00-00-081; AND 427-00-00-113), JAMES ISLAND, CHARLESTON COUNTY, TO THE CITY OF CHARLESTON, SHOWN WITHIN THE AREA ANNEXED UPON A MAP ATTACHED HERETO AND MAKE IT PART OF DISTRICT 6. THE PROPERTY IS OWNED BY JJR DEVELOPMENT LLC.
- 2017-033** AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS VACANT PROPERTY OFF FOLLY ROAD (0.99 ACRE) (TMS# 427-00-00-114), JAMES ISLAND, CHARLESTON COUNTY, TO THE CITY OF CHARLESTON, SHOWN WITHIN THE AREA ANNEXED UPON A MAP ATTACHED HERETO AND MAKE IT PART OF DISTRICT 6. THE PROPERTY IS OWNED BY CLYDE J. SMALLS AND CAROL J. SMALLS.

Councilmember Mitchell said, "Mr. Mayor."

Mayor Tecklenburg recognized Councilmember Mitchell.

Councilmember Mitchell said, "Before we go on to Item K-8, I would just like to thank my colleagues for what they did at the last Council meeting. This is in reference to the meeting dealing with the South Carolina State University, the parcel, and the building of the Community Center. I was snowed in in Washington, D.C. at the last Council meeting, so I would like to thank my colleagues for what they did in approving that. This is something the community has been waiting on for a long time. I have been pushing for it for a long time, so now it's a reality. Now we can go forward and try to get it done as quickly as we possibly can. I see Mr. Delbert Foster here, so we can try to move along with this, and let the community know that this community center is coming. They will be proud of this. They have been after me for a long time. They would say, 'When is it coming, when is it coming? It's not going to come.' It is now a reality. Thank you very much, and I would like to thank you, Mayor, for what you were doing, too, insofar as talking to the President, and being involved with that as well."

Mayor Tecklenburg said, "Thank you, Councilmember Mitchell, and I didn't see you up there, Mr. (Delbert) Foster. We're so glad to have you with us again. We might make you an honorary member since we've seen him so much lately. So, then to Item K-8."

Councilmember Lewis said, "Move for approval."

Councilmember Mitchell said, "Second."

Mayor Tecklenburg said, "We have a motion to approve and a second. Is there any discussion?"

Mayor Tecklenburg recognized Councilmember Moody followed by Councilmember Seekings.

Councilmember Moody said, "Yes, I don't want to beat a dead horse here, but this thing is kind of just getting worse, as far as I'm concerned. This whole issue about this weather station, to me, is nothing more than arranging the chairs on the Titanic. The weather station up top or down below, to me it doesn't make any difference because the horses are not up on top of the building, nor are they standing in that spot on Market Street where they get the medallion. They're walking these streets, and there is shade, there are buildings, there are trees, and that whole nine yards, so it doesn't really make any difference where you measure the weather. I think in Savannah it was like five miles away. What really matters is whether or not the horses are being injured or hurt. What our statistics tell us is that 99.65 percent of the time, the horses don't overheat, and that there are some times where, as they measure, they do overheat, and they take them out of service. I think, as Councilmember Waring asked, there have been no horses that have died, that I'm aware of. I think Mr. Riccio said there were no instances where they were damaged.

Kind of the final insult to me was this morning when I opened up the Post and Courier and saw that full-page ad from the Charleston Animal Society. I don't know the political ties, but that ad would have cost somewhere, I'm going to say, \$4,000 to \$5,000. I'm not sure who paid for it. I'm assuming the Animal Society did, but they also got a \$5,000 grant from the City for spaying and neutering animals. If they've got so much money that they can run an ad like that, to me, they don't deserve any taxpayer money, and I, for one, am going to try to see that that doesn't happen in the future. The whole thing about these horses, what we see locally, we constantly see and not constantly, unfortunately, all too often, we see horses being rescued. Horses are very expensive to keep. If you ever have had a horse, you know that that's true with the veterinarians and the food, and just the whole nine yards. They're very expensive, and people are just turning them loose on public property and just are not taking care of them on their own property. That's really what Mr. Bostic got arrested for up in Kentucky. He was trying to save horses that are just put out to pasture and left to rot, so to speak. So, we've got an industry that really is trying to take care of their horses. I think it's one of the main assets, and what we're doing is we're taking food out of the mouths, in my opinion, of these carriage operators and their employees. If you keep nipping away, this thing is going to move that 99.65 percent to 99.76 percent. It doesn't even register, and then we're passing a rule, an ordinance that will do that, and in the long run, I think we'll hurt the carriage operators and small businesses. If you keep nudging that thing, at some point, they'll say 'Let's just get out of the carriage business', and that may be the ultimate goal for some of these folks. Then we've got buses, we've got 20-passenger buses, we've got 15-passenger vans, we've got all of this other kind of stuff driving on our City streets. So, I think we've done a good job in controlling this, in monitoring this situation, and I am opposed to making that change. So, thank you, Mr. Mayor."

Mayor Tecklenburg said, "Councilmember Seekings."

Councilmember Seekings said, "Thank you, Mr. Mayor. Just very briefly, I think the ordinance that's before us is a compromise on both the temperature, and what's not in the ordinance is the manner in which that's going to be monitored. Mr. Becker is a constituent of mine, and he sent me an e-mail today, a thoughtful e-mail. He actually went and talked to the WeatherBug people and asked them if they could move the WeatherBug to take the temperatures at the very place where the work is being done. It seems logical to me. So, I don't know. I see Mr. Riccio back there, I think if we implement this ordinance, if it's going to pass tonight, and I think it is, let's implement it in a way that gives everybody confidence in it,

and if there is no reason not to do it, why wouldn't we? I'm looking at the invoice, or the proposal of \$3,000 which someone says they'll pay. If we're going to take temperatures of something, let's take the temperature at the place where they do business. It just seems like logic to me. Thanks."

Mayor Tecklenburg said, "Are there any other questions or comments?"

The Clerk said, "Did we get the motion?"

Councilmember Seekings said, "Yes, there was a motion."

Mayor Tecklenburg said, "We had a motion."

The Clerk said, "It's the second reading."

Councilmember Lewis said, "I made the motion."

The Clerk said, "Yes, okay."

Councilmember Seekings said, "One other thing, Mr. Mayor, I would like to thank Councilmember White, who has been through this, and he's really stuck through this for a long time, and he said last time this wasn't the end or even the beginning of the end since this has been going on. So, Councilmember White has really done yeoman's work for this Council on this issue. I think we owe him a big thanks."

Mayor Tecklenburg said, "We have a motion and a second."

On a motion of Councilmember Lewis, one (1) bill (Item K-8) received second reading. It passed second reading on motion by Councilmember Mitchell and third reading on motion of Councilmember Lewis. On further motion of Councilmember Mitchell, the rules were suspended, and the bill was immediately ratified as:

2017-034 AN ORDINANCE TO AMEND CHAPTER 29, ARTICLE V, SEC.29-212 (G), WEATHER CONDITIONS, SUBPARTS (7) AND (8) OF THE CODE OF THE CITY OF CHARLESTON PERTAINING TO WEATHER CONDITIONS FOR THE OPERATION FOR ANIMAL-DRAWN VEHICLES USED FOR THE PURPOSES OF TOURING.

The vote was not unanimous. Councilmembers Waring, Moody, and Gregorie voted nay.

Mayor Tecklenburg said, "Believe it or not, Council, I have nothing to bring to you as a first reading tonight. So, next, we're going to have an Executive Session to discuss a couple of lawsuits on DeReef Park and then a personnel matter. Now, could I ask, we will likely take a vote on the DeReef Park matter when we come out of Executive Session. How many of you all want to stick around for when we're finished to hear us? Just a handful. So, could I ask you all politely, do you all mind waiting in the lobby while we have our Executive Session, and then when we're done we will call you all back in, and whoever wants to, come back in."

The Clerk said, "While they are going, we need to withdraw Item L-4."

Councilmember Seekings said, "So moved."

Councilmember Gregorie said, "Second."

Mayor Tecklenburg said, "We have a motion to withdraw Item L-4 under first readings. We have a motion and a second."

On a motion of Councilmember Seekings, seconded by Councilmember Gregorie, City Council voted unanimously to withdraw Item L-4.

An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that property located off North Westchester Road (West Ashley) (2.225 acres) (TMS #309-15-00-070) (Council District 7), be rezoned from Light Industrial (LI) classification to General Business (GB) classification. (WITHDRAWN).

Mayor Tecklenburg said, "So, now, I need a motion to go into Executive Session."

Councilmember Mitchell said, "So moved."

Councilmember Gregorie said, "Second."

Mayor Tecklenburg said, "We have a motion and second to go into Executive Session."

On a motion of Councilmember Mitchell, seconded by Councilmember Gregorie, City Council voted unanimously to go into Executive Session at 6:53 p.m.

On a motion of Councilmember Mitchell, seconded by Councilmember Lewis, City Council voted unanimously to come out of Executive Session at 7:25 p.m.

Mayor Tecklenburg said, "Alright. So, we're reconvening our regular City Council meeting here at 7:25 p.m. Let the record show that there was no action taken during our Executive Session. Would anyone like to make a motion?"

Councilmember Seekings said, "Move to accept the terms of the DeReef Park settlement as presented by our Corporation Counsel."

Councilmember Williams said, "Second."

Mayor Tecklenburg said, "We have a motion to accept the terms of the DeReef Park settlement, and to put the matter on the record, I call on attorney Cantwell."

Ms. Cantwell said, "Thank you, and I will try to be brief with this."

Mayor Tecklenburg said, "Order, please."

Ms. Cantwell said, "Thank you, Mayor and Councilmen. I'm pleased to report that we have a settlement of the Friends of DeReef Park lawsuit, as well as the developer's lawsuit against the City that arose from the conversion of part of DeReef Park into private development. Per the terms of the Friends lawsuit, it will be settled along these terms: GMS is the name of the title of the developer, Gathering at Morris Square. They're going to acquire the Shiloh Church properties that front on Smith Street and back up onto DeReef, subject to a lease back to the Shiloh Church for six

months to enable the church time to get their affairs in order, so that they can vacate. They, meaning GMS, will subject the Shiloh Church properties to covenants that would be enforceable by the Friends, that the properties would be used for recreational purposes. GMS will then, at a date to be agreed upon between the City and GMS, convey Shiloh with those covenants on it and subject to that lease to the City. Within three and a half years from the settlement agreement, this Council will either decide to demolish the church on the Shiloh property, or if not, we demolish it and turn it into a green park, or we have the option, if City Council desires, to keep the building up and use it for a Community Center. The Praise House that is on the old DeReef Park will be renovated in accordance with the programmatic agreement. Simonton Park and other parks will be offered up as replacement parks for what was lost at DeReef. The Friends will give the City, and everybody in the suit, I guess, a full release of all claims. They will not challenge the new decision that the Feds rendered on DeReef Park, and they will not challenge the replacement parks that are ultimately approved. We will submit a joint motion to the Court to dismiss the case and to approve the settlement agreement, which the Court will retain jurisdiction over. Did I leave anything out? Those are the terms of the agreement. It's got to be inked, but I've got most of it down, so we're very close to signing it. The lawyer for the Friends told me that the Board of Directors had approved the terms, and they will be signing this settlement agreement as Board Members and in their individual capacities. So, that's the settlement proposal for the Federal lawsuit, Friends of DeReef Park vs. The National Park Service, et al.

While this matter has been pending, the developer, who has been stymied in its efforts to go forward with the development, brought a lawsuit against the City because of the delays they had incurred which they claim are directly related to the issues that surround the DeReef Park conversion. So, what GMS is going to do is they're going to buy the Shiloh property. They're going to subject it to covenants that the Friends can enforce, so that it will be restricted, and then at a time that we and GMS agree to, the City and GMS will essentially do a land swap. The City will get the Shiloh property, the developer will get the property that the City owns at the corner of President and Cannon. With that swap, the City will retain a permanent maintenance easement for the drainage shaft that will be constructed on the property. The City will be entitled to use the entirety of the property for laydown in a contemporary construction easement, at no charge, through December 31, 2019. Thereafter, if we're not finished, we all think we will be, but if we're not done, we'll pay rent at the rate of \$3,500 a month. While we're not using it, if GMS owns the property, they can, of course, use it for parking or renting it out to others to park, but they will get off in time for us to get our drainage project under way. We'll give them reasonable notice of that. We know that there are underground storage tanks on the site. It's a former gas station site. Some of them have been moved. I think two of them are contemplated to be moved in conjunction with our drainage project, and I think two others are going to be left in place, but our agreement with GMS will say that if we do anything while we're on site that exacerbates an environmental condition on the site, that we'll be responsible for taking care of that and, of course, we will protect ourselves in our contract with whomever is doing the drainage work.

Within 15 days after the developer buys Shiloh or five days after the Court approves the settlement and dismisses the case, the City will pay the developer \$350,000. The City agrees not to pursue the CHDO (Community Housing Development Organization) obligations that are in the PUD and MOUs that were entered into, to effect that PUD, as well as the building permit fees for the properties that have been permitted to date, or that applications for them are pending. The old Praise House on the reconfigured DeReef Park will be renovated in accordance with plans approved by the State of Historic Preservation Office. The developer will get us documented third party estimates of what that's going to cost. We are going to split the costs of renovating the Praise House. The good news is that we could potentially have the Praise House priced out, constructed, and the whole DeReef Park done within 12 months and conveyed back to the City

with the Federal covenants on them restricting it to outdoor recreational use. In return for that, everybody dismisses all claims that we have against each other arising out of the developers being stymied because of the Federal lawsuit, and I'm happy to answer any questions that you have."

Councilmember Shahid said, "Just one question, I think you said it, that this would end the lawsuit with prejudice with all parties, and we are done."

Ms. Cantwell said, "Yes."

Councilmember Shahid said, "Very good job. Thank you."

Ms. Cantwell said, "Thank you all."

Mayor Tecklenburg said, "Are there any other questions or comments? I would just like to make the comment to thank our legal team, Susan (Herdina) and Frances, for the incredible effort they put forth along with the Friends and Chris Phillips in helping resolve this matter. We're most appreciative."

On a motion of Councilmember Seekings, seconded by Councilmember Williams, City Council voted unanimously to accept the terms of the DeReef Park settlement as presented by Corporation Counsel.

Mayor Tecklenburg said, "Is there any other business to come before Council tonight? If not, this meeting is adjourned."

There being no further business, the meeting was adjourned at 7:33 p.m.

Vanessa Turner Maybank
Clerk of Council